

THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

IN RE: ) CHAPTER 13  
 ) CASE NO: 07-52874  
 )  
JAMES FREDERICK MAGUIRE ) MARILYN SHEA-STONUM  
JR ) BANKRUPTCY JUDGE  
 )  
Debtor(s) )  
 ) TRUSTEE'S MOTION TO MODIFY  
 ) PLAN AND INCREASE DEBTOR(S)  
 ) MONTHLY PAYMENTS IN CASE  
 ) FILED AFTER THE EFFECTIVE  
 ) DATE OF THE BANKRUPTCY  
 ) ABUSE PREVENTION AND  
 ) CONSUMER PROTECTION ACT OF  
 ) 2005  
 )  
 ) **THIS MODIFICATION IS**  
 ) **EFFECTIVE AS OF 12/07/2010**  
 ) **UNLESS AN OBJECTION IS FILED**  
 ) **WITH THE COURT**

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Now comes Keith L. Rucinski, the Chapter 13 Trustee, and moves this Court for an order to modify the confirmed Chapter 13 Plan pursuant to 11 USC Section 1329. The Trustee states that the current payments into the Plan are not sufficient to allow the Debtor(s) to complete the plan within 60 months from the date of confirmation as required by 11 USC Section 1322(d) and 11 USC Section 1325(b)(4).

The Trustee states that the plan payments must be increased from the current payment of **92.00** per week to a payment of **275.00** per week.

Further, the Trustee states that the following were found:

**The IRS filed a priority claim, #10-1, in the amount of \$18,330.81 on August 13, 2010. The debtor is currently 13 months, or \$5,160.99, behind in his plan payments.**

**In accordance with 11 USC Section 102 and Administrative Order 08-09, unless a party in interest files a written objection to the Trustee's proposed modification within 40 days from the date in the below certificate of service, the Trustee's proposed modification shall be deemed an order of the Court which modifies the confirmed Plan pursuant to 11 USC Section 1329(b)(2). Objections must be served on all parties in the below certificate of service.**

**Objections must be filed with the United States Bankruptcy Court at:**

**United States Bankruptcy Court  
2 South Main Street  
455 John F. Seiberling Federal Building  
Akron, OH 44308-1810**

Respectfully submitted,

**/s/ Keith L. Rucinski**

Keith L. Rucinski, Chapter 13 Trustee  
Ohio Reg. No. 0063137  
One Cascade Plaza, Suite 2020  
Akron, OH 44308  
Phone: 330.762.6335  
Fax: 330.762.7072  
Email: [krucinski@ch13akron.com](mailto:krucinski@ch13akron.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been sent to:

**JAMES FREDERICK  
MAGUIRE JR  
3009 SMITH RD SUITE 75  
AKRON, OH 44333  
(Via Regular Mail)**

**CHAPTER 13**  
Keith L. Rucinski  
Trustee  
1 Cascade Plaza  
Suite 2020  
Akron, Oh 44308  
\_\_\_\_\_  
(330) 762-6335  
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Email  
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**ROBERT M WHITTINGTON(via ECF)**

**Keith L. Rucinski, Chapter 13 Trustee (via ECF)**

**Office of the US Trustee (via ECF)**

**Date of Service: 10/27/2010**

**By: Jennifer Neunz  
Office of the Chapter 13 Trustee**